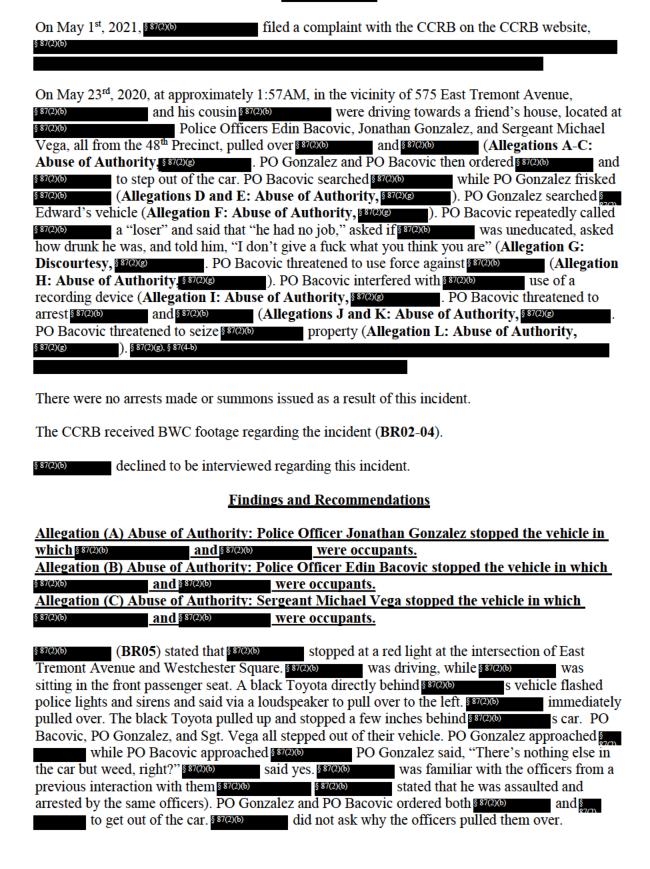
CCRB INVESTIGATIVE RECOMMENDATION

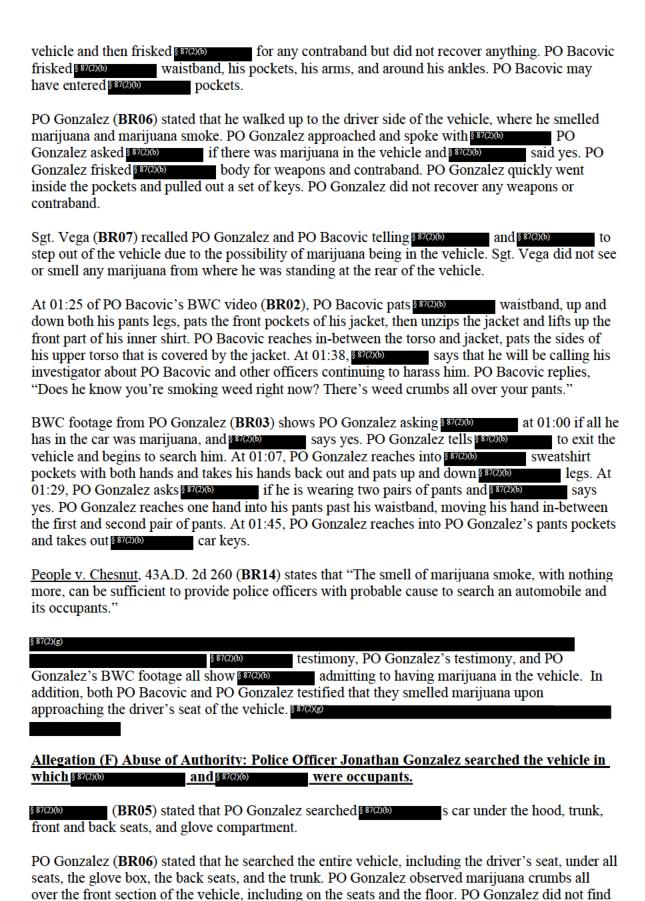
Investigator:		Team:	CCRB Case #:	Force	☑ Discourt.	U.S.
Justin Huang		Squad #4	202003620	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Saturday, 05/23/2020 1:57 AM 57		575 East Tremont Ave	575 East Tremont Ave in the Bronx		11/23/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CCl	RB
Thu, 05/28/2020 6:05 PM		CCRB	Phone	Thu, 05/28	8/2020 6:05 PM	
Complainant/Victim	Type	Home Addre	SS			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Jonathan Gonzalez	00649	960603	NARCBMN			
2. PO Edin Bacovic	04993	960189	048 PCT			
3. SGT Michael Vega	05629	939646	048 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.POM Jonathan Gonzalez		olice Officer Jonathan C was an occupant.	Gonzalez stopped the	e vehicle		
B.PO Edin Bacovic	Abuse: Police Officer Edin Bacovic stopped the vehicle in which was an occupant.					
C.SGT Michael Vega	Abuse: Sergeant Michael Vega stopped the vehicle in which was an occupant.					
D.PO Edin Bacovic	Abuse: Police Officer Edin Bacovic searched § 87(2)(b)					
E.POM Jonathan Gonzalez	Abuse: Police Officer Jonathan Gonzalez frisked § 87(2)(b)					
F.POM Jonathan Gonzalez	Abuse: Police Officer Jonathan Gonzalez searched the vehicle in which was an occupant.					
G.PO Edin Bacovic	Discourtesy: Police Officer Edin Bacovic spoke discourteously to \$87(2)(b)					
H.PO Edin Bacovic	Abuse: Police Officer Edin Bacovic threatened with the use of force.					
I.PO Edin Bacovic	Abuse: Police Officer Edin Bacovic interfered with suse of a recording device.					
J.PO Edin Bacovic	Abuse: P § 87(2)(b)	olice Officer Edin Baco	vic threatened to arr	rest		
K.PO Edin Bacovic	Abuse: P § 87(2)(b)	olice Officer Edin Baco	vic threatened to arr	rest		
L.PO Edin Bacovic		olice Officer Edin Baco seize §87(2)(b)	vic threatened to s property.			
§ 87(2)(g), § 87(4-b)			-			
§ 87(2)(g), § 87(4-b)						

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

Case Summary



was uncooperative with the investigation despite numerous contact attempts (BR21-30). PO Gonzalez (BR06) noticed security vehicle, which was driving in front of the officers' vehicle, commit a traffic infraction but did not remember what specific infraction they made. PO Gonzalez turned on police lights and sirens and pulled the vehicle over. Sgt. Vega (BR07) was looking down at his department-issued phone and did not see vehicle in front of them. When Sgt. Vega looked up, he saw that PO Gonzalez had activated his lights and pulled a vehicle over by the post office at Tremont Avenue in the Bronx. Sgt. Vega did not know why the vehicle was being pulled over, nor did he know who noticed the vehicle first. PO Gonzalez and PO Bacovic did not tell him why the vehicle was being pulled over, and neither officer provided him with a reason after the incident was over. PO Bacovic (BR13) stated that he, Sgt. Vega, and PO Gonzalez observed \$87(2)(6) vehicle on Tremont Avenue committing a traffic infraction, which resulted in the vehicle stop, but PO Bacovic did not remember what the specific infraction was. BWC footage from PO Bacovic, PO Gonzalez, and Sgt. Vega did not capture the alleged vehicle infraction. The vehicle is first shown after the officers had already pulled the vehicle over (BR02-04). People v. Lucas, 183 Misc. 2d 639 (BR 31) states that "a police officer may stop a vehicle upon an objective indication of criminal activity, regardless of the true investigative motivations." none of the officers could recall what the infraction was nor provide a reason for conducting the vehicle stop. In addition, the officers made no mention of the vehicle infraction OT § 87(2)(b) during the incident and did not take any enforcement action related to the alleged violation. § 87(2)(g) Allegation (D) Abuse of Authority: Police Officer Edin Bacovic searched [557(2)(6)] Allegation (E) Abuse of Authority: Police Officer Jonathan Gonzalez frisked was uncooperative with the investigation and therefore was not interviewed regarding this incident (BR21-30). (BR05) heard PO Gonzalez ask \$870,00 if "all they had in the car was weed," said yes. PO Gonzalez and PO Bacovic ordered \$87(2)(6) exit the vehicle. § 87(2)(6) and \$87(2)(6) complied. PO Bacovic searched \$87(2)(6) grabbing the waistband of his pants and pulling his pants up, touching his "nuts and butt," and patting him down on his upper torso and arms. PO Bacovic did not touch \$87(2)(6) skin during the search. PO Bacovic proceeded to search all of \$87(2)(b) s pockets but did not recover anything. PO Gonzalez searched § 87(2)(6) in a similar manner. PO Bacovic later told that he smelled marijuana in the car. PO Bacovic (BR13) stated that he smelled marijuana smoke coming from \$87(2)(b) vehicle after he exited the police vehicle. PO Bacovic approached the front passenger side of the vehicle and observed marijuana crumbs on \$87(2)(6) shirt. PO Bacovic told \$87(2)(6) to exit the



CCRB Case # 202003620

additional marijuana or other contraband in other parts of the vehicle.

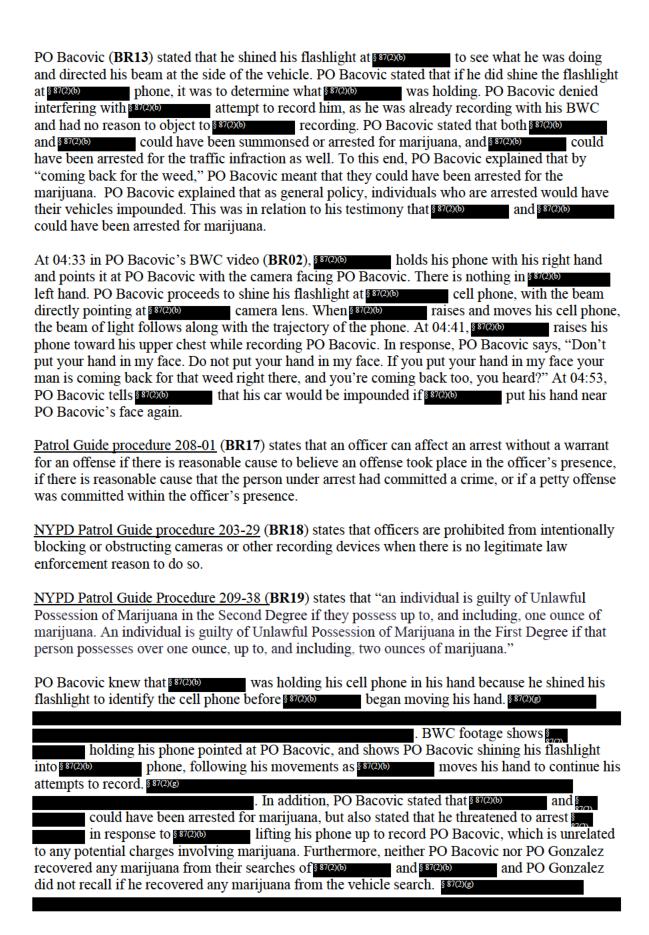
At 02:21 in PO Gonzalez's BWC video (BR03), PO Gonzalez searches the driver's seat, the front console, the front passenger seat, the glove box, and the backseat. At 04:18, PO Gonzalez opens and searches the contents of the trunk.

<u>People v. Chesnut</u>, 43A.D. 2d 260 (**BR14**) states that "the smell of marijuana smoke, with nothing more, can be sufficient to provide police officers with probable cause to search an automobile and its occupants."

<u>People v. Smith</u>, 66 A.D. 3d 514 (**BR 15**) states that officers are given probable cause to search a vehicle based on the odor of marijuana in unspecified form.

PO Gonzalez stated that he smelled marijuana coming from \$87000 vehicle and \$87000 told PO Gonzalez that there was marijuana in the car.
Allegation (G) Discourtesy: Police Officer Edin Bacovic spoke discourteously to
Allegation (H) Abuse of Authority: Police Officer Edin Bacovic threatened with the use of force.
It is undisputed that PO Bacovic called a "loser" and "uneducated," and asked him "How drunk are you?" It is also undisputed that PO Bacovic told "You think you're educated but you're not. I don't give a fuck what you think you are." It is undisputed that PO Bacovic made the following threats of force to "Come at me sideways, I have no idea who you are. You're messing with the wrong cop right now," and "Put your hand in my face one more time and watch how that ends for you."
(BR05) stated that PO Bacovic told him that that he needed to get his life together, that he needed to get a job, and that the police were going to catch him and "lock him up (discussed below in Allegations I-L)" before telling him to exit the vehicle. After getting back into the car, picked up his phone and started recording. Service turned his phone toward PO Bacovic, who was standing by the front passenger seat, and PO Bacovic yelled at service to get his hand away from his face or he would "lock him up."
At 02:16, of PO Bacovic's BWC (BR02), PO Bacovic asks (Come at me sideways, I have no idea who you are. You're messing with the wrong cop right now." At 03:00, (South and that he would be calling his investigator. PO Bacovic says, "You a loser. That's all you do. You have no job." At 04:01, (South and that the officers did not smell marijuana in the car and that they pulled him over for no reason. PO Bacovic responds, "Are you one of those guys that are uneducated? You are uneducated." At 04:21, PO Bacovic tells "Get a job. Educate yourself. Weed is not legal." At 05:03, PO Bacovic says to (You think you're educated but you're not. I don't give a fuck what you think you are." At 05:08, in response to (South and in my face one more time and watch how that ends for you."
PO Bacovic (BR13) stated that when he asked how drunk he was, he was referring to and sare being high on marijuana, not alcohol. PO Bacovic did not recall any

signs of intoxication beyond seeing and smelling marijuana and marijuana smoke. PO Bacovic said "come at me sideways" due threat to call the CCRB and saying that the officers were harassing him and lacked probable cause to interact with him. PO Bacovic used "street slang" to build rapport and to warn to change his behavior. PO Bacovic did not observe any physical signs from that he interpreted as a threat to his safety. PO Bacovic considered holding his hand out towards his face as he recorded as a possible physical threat. PO Bacovic told he was a loser because said that he had memorized the police vehicle's license plate number and PO Bacovic thought that the only reason memorized the information was to file a complaint against him. PO Bacovic had asked for the was uneducated because marijuana is illegal, and had marijuana crumbs on his person and could have been arrested for it. PO Bacovic said "I don't give a fuck what you think you are" to some because he was agitated with source and prevent said, "Put your hand in my face and watch how that ends for you," because source himself and prevent from moving his hand and phone closer to him. PO Bacovic also meant that could have been arrested if he hit PO Bacovic with his cell phone.
NYPD Patrol Guide Procedure 200-02 (BR16) states that officers are required to treat "every citizen with compassion, courtesy, professionalism, and respect." Furthermore, officers must "maintain a higher standard of integrity than is generally expected of others."
NYPD Patrol Guide procedure 221-01 (BR20) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.
§ 87(2)(g)
PO Bacovic cited that solution threatened to file a complaint and raised his hand to record the interaction but did not provide any other reasons for why he considered solution a potential threat to his safety.
Allegation (I) Abuse of Authority: Police Officer Edin Bacovic interfered with same suse of a recording device. Allegation (J) Abuse of Authority: Police Officer Edin Bacovic threatened to arrest same suspension.
Allegation (K) Abuse of Authority: Police Officer Edin Bacovic threatened to arrest
Allegation (L) Abuse of Authority: Police Officer Edin Bacovic threatened to seize property.
After PO Gonzalez finished searching the vehicle, PO Gonzalez and PO Bacovic told (BR05) and (BR05) and (BR05) are to get back in their vehicle. After getting back into the front passenger seat of the car, (STO) (BR05) as started recording PO Bacovic. PO Bacovic stood in front of the passenger side window and shined his flashlight at (BSTO) (BR05) (B



§ 87(2)(g)
§ 87(2)(g), § 87(4-b)
Civilian and Officer CCRB Histories
• § 87(2)(b)
§ 87(2)(b)
 Sgt. Vega has been a member of service for sixteen years and has been a subject in one CCR
complaint and three allegations, none of which were substantiated.
PO Gonzalez has been a member of service for five years and has been a subject in three CC.
complaints and five allegations, none of which were substantiated.
PO Bacovic has been a member of service for sixteen years and has been a subject in seven
CCRB complaints and nine allegations, none of which were substantiated.
Mediation, Civil, and Criminal Histories
• \$87(2)(b) and \$87(2)(b) declined to mediate this complaint.
 On 09/24/2021, a FOIL request was submitted to the Office of the Comptroller. Results will be attached upon receipt (BR10).
• § 87(2)(b)
§ 87(2)

§ 87(2)(b)

Squad:4_			
Investigator:J	ustin Huang	Investigator Huang	10/26/2021_
	Signature	Print Title & Name	Date
Squad Leader:Ra	quel Velasquez	IM Raquel Velasquez	11/09/2021
	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	 Date